

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/014,796	MUELLER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jill M. Gray	1774	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.


- 1. ☒ This communication is responsive to amendment of April 27, 2006.
  - 2. ☒ The allowed claim(s) is/are 27,29,30,34-36,56 and 57, renumbered 1-8.
  - 3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) ☐ All    b) ☐ Some\*    c) ☒ None    of the:
    - 1. ☒ Certified copies of the priority documents have been received.
    - 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

- 4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  - 5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- 6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| <ul style="list-style-type: none"><li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li><li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li><li>3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____</li><li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</li></ul> | <ul style="list-style-type: none"><li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li><li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date <u>6/26/06</u> .</li><li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li><li>8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance</li><li>9. <input type="checkbox"/> Other _____.</li></ul> |
|--|---|

  
**JILL GRAY**  
**PRIMARY EXAMINER**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Harkin on June 26, 2006, June 28, 2006 and July 5, 2006.

The application has been amended as follows:

In the claims:

Claim 56, line 10, change "20 w.%" to – 20 wt.%--;

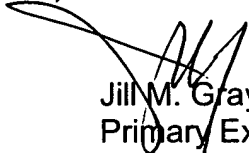
Claim 57, please amend claim 57 as set forth on attachment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill M. Gray whose telephone number is 571-272-1524. The examiner can normally be reached on M-Th and alternate Fridays 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1774

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jill M. Gray  
Primary Examiner  
Art Unit 1774

jmg

# Attachment

Re: 10/014,796

Claim 57 (Currently Amended). A suture material for surgery comprising one or more filaments ~~and wherein the suture material is formed with~~ having a coating thereon;

wherein the coating ~~as~~ at least partially comprises a waxy bioresorbable polymer, which is essentially formed from a random terpolymer with a completely amorphous structure;

wherein the terpolymer ~~is formed using~~ consists essentially of a glycolide,  $\epsilon$ -caprolactone, and trimethylene carbonate, and the terpolymer contains glycolide in a portion of 10 to 20 wt.%, with the remainder being  $\epsilon$ -caprolactone, and trimethylene carbonate in a weight ratio between 30:70 and 70:30[[,]];

~~to yield~~ wherein the terpolymer has a low glass transition temperature in the range of -40 to 0°C, and a completely amorphous structure[[,]];

wherein the coating material has an inherent viscosity of 0.7 to 1.3 dL/g, as measured in HFIP at 25°C and a concentration of 0.5 wt.%; and

wherein the terpolymer is soluble ~~inorganic~~ in organic solvents based on esters and ketones or mixtures thereof, the coating composition is plastic at room temperature, the coating represents 0.2 to 50 wt.% of the total weight of the suture material, and the suture material has improved knotting characteristics.